



**Nursing Care Quality Assurance Commission (NCQAC)
Special Meeting Notice
March 7, 2008
Hampton Inn
2010 E Assembly Rd
Spokane, WA 99224
360-236-4713**

Commission Members:

Judith D. Personett, EdD, Certified Nurse
Administrator Advanced (CNAA), RN, Chair
Susan Wong, MBA, MPA, RN, Vice-Chair
Linda Batch, LPN
Erica Benson-Hallock, MPPA, Public Member
William Hagens, MA, Public Member
Rev. Ezra Kinlow, MTH, Public Member
Darrell Owens, Ph.D., ARNP, ACHPN
Jackie Rowe, RN
Robert Salas, RN
Diane Sanders, RN, BC, MN
Mariann Williams, MPH, MSN, RN, ARNP
Susan Woods, PhD, RN, FAHA, FAAN
Laura Yockey, LPN

Unable to attend:

Richard Cooley, LPN
Rhonda Taylor, MSN, RN
Gail Yu, Assistant Attorney General

Staff present:

Paula Meyer, MSN, RN, Executive Director
Usrah Claar-Rice, MSN, RN, Nursing Education Advisor
Teresa Corrado, LPN, Health Services Consultant
Mary Dale, Discipline Manager
Chuck Cumiskey, RN, MBA, Nursing Practice Advisor
H. Louise Lloyd, Secretary
Shari Kincy, Secretary
Miranda Bayne, JD, Supervising Staff Attorney

1. Dr. Judith D. Personett, Chair called the meeting or order at 9:00 AM

- Introductions - Commission members, staff and audience introduced themselves.
 1. Two new members were introduced: Darrell Owens, Ph.D., ARNP, ACHPN and Laura Yockey, LPN.
 2. Chuck Cumiskey was introduced as the returning staff member in the Nurse Practice position.

- Order of the Agenda – Item #10 will be deferred to the July 2008 meeting.
- Correspondence
 1. Letter from Northwest University

DISCUSSION: Carl Christensen, RN, PhD thanked Paula Meyer, Executive Director for making it possible for the senior class of nursing students to attend the January 11, 2008 NCQAC business meeting.
- Announcements – Personnel Changes
 1. Chuck Cumiskey was hired as the Nursing Practice Advisor effective March 1, 2008.

2. Consent Agenda – DISCUSSION/ACTION

Items listed under the consent agenda are considered routine agency matters and approved by a single motion of the NCQAC without separate discussion. If separate discussion is desired, that item will be removed from the consent agenda and placed on the regular business agenda.

- A. Approval of minutes
 1. NCQAC business meeting, January 11, 2008
 2. Continuing Competency sub-committee minutes, October 11 and December 18, 2007
 3. Licensing and Disciplinary sub-committee minutes

DISCUSSION: Changes to the January 11, 2008 draft meeting minutes

Item 4A2 Clarification of the discussion for the ARNP rule changes

Item 20 Licensing and Discipline Subcommittee – Clarification of the language regarding delegation of authority to the Health Law Judge regarding summary suspensions if the violation was in another state

ACTION: Motion by Mr. Hagens and second by Mr. Salas to accept the clarification in Item 20 was passed.

ACTION: Motion by Mr. Kinlow and second by Ms. Williams to accept the consent agenda with corrections was passed.

- B. Integrated Licensure and Regulatory System (ILRS) update. No update at this meeting.

3. Chair report – Dr. Judith Personett - DISCUSSION/ACTION

- A. National Council of State Boards of Nursing (NCSBN) Mid-year meeting, Leadership Day, March 3, and Mid-year meeting, March 4-5, Chicago, Dr. Personett, Susan Wong and Paula Meyer
 1. Day One: Workshop - Crucial Conversations

Dr. Personett explained the elements of the workshop stating that very good examples and situations were used to show the elements. There are two articles on the WEB – Silence Kills and Dialogue Heals that explore effective conversing. Mr. Cumiskey will send the WEB site to anyone who is interested.
 2. Day Two:
 - a. ARNP Committee updates – The discussion among states was that they are trying to incorporate Nurse Specialists with Nurse Practitioners and how to change wording in their regulations.
 - b. CORE – performance survey
 - c. TERCAP – Taxonomy of Error, Root Analysis Project reviews disciplinary cases to see if there are any trends. States can only access their own state data and cases.
 - d. Continuing Competency – pros and cons of what some states have implemented. Some states are impressed with the progress Washington State has made toward continuing competency.

3. Day Three – emphasis was on International Education and Nursing and Nursing Practices
 - a. There were speakers from Scotland, Ireland, Portugal, Philippines, and Kenya. They are working and moving toward education entry level nursing with a Baccalaureate Degree. Most of Europe is moving toward having their nurses educated at the Baccalaureate level.
 - b. Kenya has a good model and it is worth looking at for continuing competency and distance education using electronic access.
 - c. European Union countries recognize licenses of other countries. The similarity with the United States is when nurses move from state to state and use the Mutual State Recognition Model.
 - d. Discipline – how to standardize processes and how it works when nurses move from country to county in Europe.
- B. Nursing Definitions and licensure rules hearing was held February 5, in Olympia

DISCUSSION: Testimony was given by Commission on Graduate of Foreign Nursing Schools (CGFNS) and a Veteran's Administration nurse. Some suggestions made by Mr. Kinlow were incorporated and the rules were passed.
- C. Dr. Personett gave a lecture to 110 Intercollegiate Nursing Education senior students about the role of NCQAC. The lecture was broadcast to Yakima and the Tri-Cities. Ms. Rowe gave some case scenarios about discipline at the lecture.

4. Executive Director Report – Paula Meyer – DISCUSSION/ACTION

- A. 100 years of nursing regulation in Washington State

DISCUSSION: In March 1909 the Nursing Board was created. One hundred years of regulation by the Nursing Commission will be celebrated in 2009. Ms. Meyer asked for volunteers to plan events to help celebrate the bicentennial. Mr. Hagens, Ms. Batch, Ms. Wong and Dr. Personett volunteered. WSNA is celebrating 100 years this year.
- B. National Council of State Boards of Nursing committees
 1. Item Reviewer Sub-Committee – Rhonda Taylor

DISCUSSION: Ms. Taylor is in her second year on the Item Review Sub-Committee. The committee reviews newly written test items that have been pre-tested. A number of items from the operational test pool are also reviewed for reliability and validity. Questions that are found to have issues are then referred to the Exam Committee for final determination.
 2. Awards Committee – Dr. Susan Woods

DISCUSSION: Dr. Woods has been on the committee for two years. The NCSBN Annual meeting will be in August Nashville, Tennessee. This is a special year because it is the 30th anniversary for NCSBN and there will be some special awards.
 3. Resolutions Committee – Dr. Judith Personett

DISCUSSION: Dr. Personett has been on the committee for three years. The committee will accept resolutions at the delegate assembly in August. They are reviewed and then presented to the Delegate Assembly where they can be approved.

4. Nominations Committee – Paula Meyer

DISCUSSION: Ms. Meyer is the Area I representative on the Nominations committee. The Nominations Committee will become the Leadership Succession Committee. Ms. Meyer will serve one year on the Nomination Committee and the second year on the Leadership Succession Committee. The offices of president, vice president and treasurer, plus new Leadership Succession committee positions are open for elections. Each of the four areas will have a representative in the Leadership Committee.

C. New member orientation – Laura Yockey and Darrell Owens attended commission orientation in February.

D. Charging panel members, mentors, committee members – update of responsibilities chart will correct meeting dates, hearing dates

DISCUSSION: Ms. Meyer gathered information from the NCQAC and the updated information will be distributed at the May meeting.

ACTION: On the list of Charging Panel members, change the title, Charging Panel to Case Disposition Panel.

E. NCQAC alignment with Secretary's Sanctioning Guidelines – report

DISCUSSION:

- Nursing Sanction Guidelines were adopted in 2001. The Nursing Sanction Guidelines were then adopted as Standards in 2005. Ms. Meyer thanked Cheryl Payseno for her work in developing and implementing the 2001 Guidelines. Ms. Meyer was asked to share the guidelines at the NCSBN mid year meeting.
- Secretary of Health Sanctioning Guidelines were adopted in 2007. The NCQAC reviewed their standards with the Secretary Guidelines in 2008. The NCQAC Standards were revised to be in full alignment with the Secretary's Guidelines. The revisions addressed the length of terms for sanctions. Both the Nursing Sanctioning Standards and the Secretary's Guidelines are on the Web site.
- An audit compared NCQAC final orders with the Secretary's Guidelines for sanctions. Out of 64 cases reviewed, 88% were in compliance with the Secretary Guidelines which is high. The goal was 80% compliance.

F. ARNP rules update – Mindy Schaffner

DISCUSSION: The rules update process began in August 2007. Ms Schaffner met with 18 groups and over 100 people interested in the ARNP rules. She also kept in touch with NCSBN. The current timeline: 1) The Rules were drafted in January 2008. 2) The second draft should be ready in March 2008. 3) The May version should be ready to file CR 102. 4) The Rules should be ready for hearing in July 2008.

- Clinical Nurse Specialist questions related to definition of ARNP, education required and scope of practice

DISCUSSION: Currently it is up to the applicant to prove that the school they attended meets qualifications. The new rules proposal is that all educational programs that prepare ARNPs will submit to NCQAC their report on accreditation.

Proposal is to pull Psychological Clinical Nurse Specialist (CNS) out of the designation because there are no schools in Washington that have a Psychological CNS program and put it under a previously recognized category. The concern is for people coming from out of state who may have this specialty.

Clinical Nurse Specialist Rule – It is not clear in the law about the legal authority for the NCQAC to recognize the CNS Rule. The NCQAC needs specific authority in the law to recognize this role in rule.

- The list of specialties in the rules – Certified Nurse Midwife, Certified Registered Nurse Anesthetist and the Nurse Practitioner.
- Interim permits – length of time allowed to practice as an ARNP between the application date and date of licensure.

Currently the rule is five years from the time of graduation to the time they can take their first certification exam. The proposal in the new draft is one year.

A letter was sent to all ARNPs stating that in order to have a valid ARNP license requires a valid RN license and must maintain certification throughout the licensure period.

The new ILRS system, licensing computer system, will track the certification and produce reports.

The Rules allow for an interim permit while waiting to take the examination. It is up to the applicant to make sure they are certified.

Ms. Schaffner thanked Dr. Susan Woods, Mariann Williams, and Bill Hagens for their help and perspective on the rules.

MOTION: Motion by Mariann Williams and Second by Robert Salas to move forward with the ARNP Rules.

Hilke Faber from Washington State Nurses Association (WSNA) presented a letter with a request from WSNA for the CNS group.

REQUEST: The NCQAC obtain a written legal opinion from the AAG to determine if the statutory authority currently exists to create rules to license CNS as ARNP providing title protection and a defined scope of practice. Request to review the written opinion. If the NCQAC needs additional information please contact Heather Schoonover, Chair of WNSCNS affiliate or Sally Watkins at WSNA.

ACTION: NCQAC will take under advisement and review the request with a response.

Ms. Faber invited the NCQAC to the 100 year celebration of the WSNA on May 6.

- G. Mandatory Reporting rules under the Uniform Discipline Act – hearing scheduled for March 12, 2008, 9:00 am, Point Plaza East Building, Tumwater

These rules are for all professions and also apply to all nurses as well as physicians, veterinaries, surgical technicians, etc.

- H. NCSBN password for WEB site

Passwords for the member's only site of the NCSBN will be administered by the Executive Director's Office. Passwords were distributed and members were reminded that passwords are confidential.

- I. NCQAC Pay

1. If the work activity is not designated on the time sheet then it has to be approved by the Executive Director with consultation from the Chair.
2. Number and name of the case should be noted on the pay form.

ACTION: A column for Task Force time will be added. The words 'Communication with' will be inserted where it says Phone calls to.

3. Research related to a case is acceptable. Reading for learning purposes is not paid.
3. Public speaking on behalf of the NCQAC requires pre-approval.

4. Out of-State Travel must be pre-approved. Personal business is not reimbursed.

5. Travel time to and from the business meeting is compensated up to 8 hours.

5. Interpretation of Advanced Registered Nurse Practitioner (ARNP) prescriptive authority requirements for new graduates - Mariann Williams - DISCUSSION/ACTION

University of Washington (UW) is requesting an exemption, as allowed, in WAC 246-840-410 for initial prescriptive authority when their ARNP graduates seek initial prescriptive authority for two ARNP specialties. Specifically, UW School of Nursing ARNP graduates seeking initial prescriptive authority for two ARNP specialties to be granted prescriptive authority for both specialties when they can demonstrate having met the specialty's requirements for each one.

DISCUSSION: Dr. Susan Flagler gave examples of issues:

1. Two specialties with the same requirement, Adult Nurse Practitioner and Women's Health Care Nurse Practitioner.
2. Two specialties that overlap, Women's Health Care Nurse Practitioner and Family Nurse Practitioner.
3. Two specialties with different requirements, Pediatric Nurse Practitioner and the Neo-natal Nurse Practitioner.

ACTION: Motion from Mariann Williams and a second by Linda Batch, to grant an exception regarding WAC 246-840-410 for initial prescriptive authority. University of Washington ARNP graduates seeking initial prescriptive authority for two ARNP specialties will be allowed to seek certification based on UW School of Nursing pharmacology course requirement.

ACTION: Dr. Susan Woods abstained.

6. Discussion Items - DISCUSSION/ACTION

If items are selected for action and a task force assigned, the group will meet once, complete the charter, and then come to the next meeting for decision to proceed.

- Update the list of task forces
 1. Review of Nursing Practice Guidelines and Public Health Nursing Standing Orders and Scope of Practice Nurse Delegation - more work will be done because of legislation
 2. Nurse Delegation in Community Based Care Settings – legislation passed
 3. Revising the current Botox position – moving forward
 4. End of life issues – legislation was not successful, will convene group date dependent on priority issues.

7. Lap Top Computers for NCQAC Members – Terry West DISCUSSION/ACTION

Update on process of assigning the lap tops to NCQAC members, security procedures, and Phase I through III.

Lap tops were given to Dr. Susan Woods, Dr. Personett, Robert Salas, and Mariann Williams. The NCQAC members are required to complete security training through the Department of Health's SmartPH training program. NCQAC is the pilot for laptops with the Department of Health. The three phases are:

Phase I – Put the agenda and packet materials on a CD for the May meeting - done

Phase II – Load an investigative and legal file on a CD.

Phase III – Move toward a secure WEB site so that there will not be any CDs

8. Legislative Task Force – Paula Meyer - DISCUSSION/ACTION

Presentation of legislative bills and recommendations from the NCQAC members.

HB 1103

- Amendment – NCQAC shall participate in the five year pilot project to evaluate the effect of granting authority over budget development, spending, and staffing. The Secretary employs the Executive Director who is hired by, and serves at, the pleasure of the NCQAC. The Executive Director is exempt from the Civil Service Act.
- The budget allocation will remain the same for the remainder of the 2007-2009 biennium. The Executive Director of NCQAC is responsible for submitting the 2009-2011 biennial budget which has to be submitted by May for the next biennium. The Secretary will be responsible to submit the budget to the Legislature.
- By 2013 a report is due from the NCQAC to the Governor and the Legislature outlining what was experienced during the pilot period, both licensing and disciplinary should compare the efficiency and budgetary activity, evaluate regulatory activities, and compare to other business disciplinary authorities.
- The Secretary shall employ staff that is hired by the Executive Director as long as collective bargaining agreements are kept in tact.
- Dr. Personnet requested a conference call with NCQAC to update and ask for input after a couple of meetings of the Steering Committee and to advise the NCQAC of the progress surrounding HB 1103.

ACTION: Jackie Rowe moved to give the Steering Committee Authority to develop recommendations related to HB 1103. Second by Bill Hagens. The motion passed.

9. Nominations Committee - Erica Benson-Hallock, Jacqueline Rowe and Dr. Susan Woods - DISCUSSION/ACTION

The nominations committee members will present the slate of candidates for the chair and vice chair positions. The election will occur at the May meeting and new officers take their positions at the July meeting.

ACTION: Judith Personett was nominated for the NCQAC Chair position and Susan Wong was nominated for the Vice Chair position.

10. Effective Final Orders – Phase II - Susan Wong, Rick Cooley, and Mariann Williams - DISCUSSION/ACTION

Members of the NCQAC will view examples of orders and receive suggestions on how to clarify orders for the respondent, the compliance officer and the presiding officer.

DISCUSSION: Deferred to the July meeting

11. Unique Closure of Substance Abuse Cases – Paula Meyer - DISCUSSION/ACTION

The NCQAC will review its procedure on the Unique Closure of Substance Abuse Cases and clarify any questions. Policy A20.04 (2)

DISCUSSION: Miranda Bayne explained that unique closure comes after a complaint and before taking action. This action does not include a nurse that 'self reports'. A unique closure case can be reopened.

The three ways a nurse can enter the Washington Health Professionals Services (WHPS) program are, voluntarily, in lieu of discipline, and NCQAC can order a nurse into the program. Jean Sullivan, the WHPS manager, is available if there are questions.

12. 1:00PM–OPEN MIC

Open mike is for public presentation of issues to the NCQAC. If the public has issues regarding disciplinary cases, please call 360-236-4716.

Lois Hoell had questions regarding HB 1103. Since the Governor has not signed the bill any answers will be pending.

13. Subcommittee reports – DISCUSSION/ACTION

A. Continuing Competency - Cheryl Payseno, Chair

DISCUSSION: Ms. Payseno thanked BJ Noll and Chuck Cumiskey for their hard work and dedication to the project.

- Ms. Payseno expanded on the draft proposal for Continuing Competency and what it would take for a nurse to complete the program. The proposal is to help nurses achieve their goals by having guidelines and tools in place for nurses to follow. Ms. Meyer, Mr. Cumiskey and Ms. Payseno will be working on the economic impact statement which will include implementation, budget, and educating nurses on the process.
- Nurse volunteers will be asked to pretest forms, definitions etc.
- A survey to establish baseline data has been drafted. 300 completed surveys will be required to meet the 95% confidence level. Once the surveys are tallied a baseline will be established to monitor progress.
- Ms. Meyer explained the rules process and questioned where that stands with HB 1103.
- Ms. Payseno will edit the proposed documents based on comments by the NCQAC. She will send the documents via email with comments or call with comments. She would like approval from the NCQAC that the committee is headed in the right direction.

B. Licensing and Discipline – Jackie Rowe, Chair

- i. Delegation of hearing to a Health Law Judge on summary suspension with out of state actions: clarification and revision of delegation in the document for the Health Law Judges.

DISCUSSION: At the January 2008 meeting, the NCQAC delegated decision making authority to a Health Law Judge for the summary action when a violation is discovered from another state and the violation would cause action in WA. The Health Law Judge is delegated the initial summary suspension, and then a hearing is held by the NCQAC to determine final action. The wording on the delegation document was not clear.

ACTION: The NCQAC confirmed that the intent of the January motion was to delegate only the summary suspension to the Health Law Judge and retain the authority to convene the final action panel. A motion from the sub-committee with a second was passed.

DISCUSSION: When the committee developed their strategic plan they found that IRLS played a large part in the outcome. Items that will be discussed at the May meeting:

- Asked to look at below threshold closure letter and will bring to the May meeting for discussion
- Limited education license when nurses have to go through the refresher program and will bring to the May meeting for NCQAC approval.
The committee is updating the list for professionals in the psychiatric field that conduct evaluations when required by the NCQAC.

14. CLOSING

1. Welcome Laura Yockey and Darrell Owens to the NCQAC
2. Articles are due by March 24, 2008 for the Newsletter

Adjourned at 2:00pm